



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

APR 26 2004

Dear Holders of Exemption DOT-E 13318:

Enclosed is the 3rd revision of DOT-E 13318. Please note that Paragraph 7.b. was modified to clarify the packaging requirements for the DOT 39 cylinders covered by the exemption.

Sincerely,

R. Ryan Posten
Exemptions Program Officer
Office of Hazardous Materials
Exemptions and Approvals



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of Transportation

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400 Seventh Street, S.W.
Washington, D.C. 20590

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DOT-E 13318
(THIRD REVISION)

EXPIRATION DATE: December 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Western Industries
Chilton, Wisconsin

(See Appendix A of this exemption for a list of additional grantees)

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the transportation in commerce of DOT specification 39 cylinders of 75 cubic inches or less volume, except as specified herein, for the transportation in commerce of the materials authorized by this exemption. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.301(c) in that marking of the exemption number on each package is not required; § 173.301(f)(2) in that the pressure relief device is not in direct communication with the vapor space of the cylinders; and 177.840(a)(1) in that the cylinders are

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packaged in an alternative method as described in paragraph 7.b. of this exemption.

5. BASIS: This exemption is based on the application of Western Industries dated October 23, 2003, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated April 22, 2004.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi- fication Number | Packing Group |
|---|------------------------------|-------------------------------|------------------|
| Liquefied petroleum gas | 2.1 | UN1075 | NA |
| Methyl acetylene and propadiene, stabilized | 2.1 | UN1060 | NA |
| Propylene | 2.1 | UN1077 | NA |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging authorized is a DOT Specification 39, non-refillable steel cylinder in conformance with the General Requirements for Specification Cylinders (§ 178.35) and DOT Specification 39 (§ 178.65) or DOT-E 6686 except as follows:

§ 178.35(e) and 173.301(f)(2) *Pressure relief devices.*

The inlet port to the relief channel of the pressure relief device is not required to be in communication with the vapor space of the cylinder while in transportation.

§ 178.65(a) *Type, size, service pressure and test pressure.*

(1) Water capacity must not exceed 75 cubic inches.

(2) * * *

(3) * * *

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b. OPERATIONAL CONTROLS:

(1) The cylinder must be shipped in strong outside packagings in accordance with § 173.301(a)(9) including large quantities totally enclosed in stretch wrapped corrugated overpacks;

(2) The cylinders may be loaded in a horizontal position; and

(3) The outside of each shipping container must be marked "Inside package conforms to DOT-E 13318".

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

c. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this exemption must be marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel and cargo aircraft only.

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10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft used to transport packages covered by this exemption. The shipper must furnish a current copy of this exemption to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

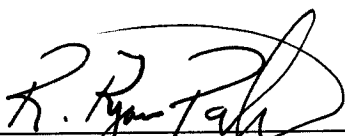
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

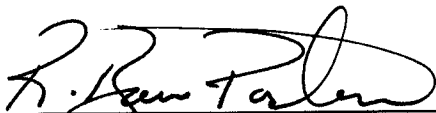
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: SS/dl

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

| Company Name City/State | Application Date | Issue Date | Expiration Date |
|---|---------------------|-----------------|--------------------|
| Bernzomatic Division Newell Rubbermaid Medina, NY | Jan 02, 2004 | Jan 22, 2004 | Dec 31, 2005 |



Robert A. McGuire

fe Associate Administrator for
Hazardous Materials Safety